

The House Committee on Education offers the following substitute to SB 521:

A BILL TO BE ENTITLED  
AN ACT

To amend Chapter 2 of Title 20 of the Official Code of Georgia Annotated, relating to elementary and secondary education, so as to provide for enrollment counts under the "Quality Basic Education Act," for students in certain dual enrollment programs; to provide for requirements for weighting of students in certain dual enrollment courses under the Quality Basic Education Formula; to provide certain requirements relating to dual enrollment courses; to establish state-wide common evaluation instruments; to authorize the Georgia Charter Schools Commission to reduce state funding to commission charter schools based on factors that affect the cost of providing such instruction; to provide for related matters; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

**SECTION 1.**

Chapter 2 of Title 20 of the Official Code of Georgia Annotated, relating to elementary and secondary education, is amended by revising subsection (a) of Code Section 20-2-160, relating to determination of enrollment by instructional program, as follows:

"(a) The State Board of Education shall designate the specific dates upon which two counts of students enrolled in each instructional program authorized under this article shall be made each school year and by which the counts shall be reported to the Department of Education. The initial enrollment count shall be made after October 1 but prior to November 17 and the final enrollment count after March 1 but prior to May 1. The report shall indicate the student's specific assigned program for each one-sixth segment of the school day on the designated reporting date. No program shall be indicated for a student for any one-sixth segment of the school day that the student is assigned to a study hall; a noncredit course; a course recognized under this article or by state board policy as an enrichment course, except a driver education course; a course which requires participation in an extracurricular activity for which enrollment is on a competitive basis; a course in which the student serves as a student assistant to a teacher, in a school office, or in the

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media center, except when such placement is an approved work site of a recognized career or vocational program; an individual study course for which no outline of course objectives is prepared in writing prior to the beginning of the course; a course taken through the Georgia Virtual School pursuant to Code Section 20-2-319.1; or any other course or activity so designated by the state board. For the purpose of this Code section, the term 'enrichment course' means a course which does not dedicate a major portion of the class time toward the development and enhancement of one or more student competencies as adopted by the state board under Code Section 20-2-140. A program shall not be indicated for a student for any one-sixth segment of the school day for which the student is not enrolled in an instructional program or has not attended a class or classes within the preceding ten days; nor shall a program be indicated for a student for any one-sixth segment of the school day for which the student is charged tuition or fees or is required to provide materials or equipment beyond those authorized pursuant to Code Section 20-2-133. A student who is enrolled in an eligible institution under the program established in Code Section 20-2-161.1 may be counted for the high school program for only that portion of the day that the student is attending the high school for those segments that are eligible to be counted under this subsection. A student who is enrolled in a dual enrollment program other than as established in Code Section 20-2-161.1 shall be counted for the high school program or other appropriate program for each segment in which the student is attending a postsecondary course conducted at a facility operated by the local board of education, at a charter school as defined in paragraph (13) of Code Section 20-2-2062, or at a commission charter school as defined in paragraph (2) of Code Section 20-2-2081. The state board shall adopt such regulations and criteria as necessary to ensure objective and true counts of students in state approved instructional programs. The state board shall also establish criteria by which students shall be counted as resident or nonresident students, including specific circumstances which may include, but not be limited to, students attending another local school system under court order or under the terms of a contract between two local school systems. If a local school system has a justifiable reason, it may seek authority from the state board to shift full-time equivalent program counts from the designated date to a requested alternate date."

## SECTION 2.

Said chapter is further amended in Code Section 20-2-161, relating to the Quality Basic Education Formula, by adding a new subsection to read as follows:

"(c.1) For purposes of calculating the annual allotment of funds to each local school system, a student who is enrolled in a dual enrollment program other than as established in Code Section 20-2-161.1 shall be counted for the high school program or other

appropriate program for each segment in which the student is attending a postsecondary course conducted at a facility operated by the local board of education, at a charter school as defined in paragraph (13) of Code Section 20-2-2062, or at a commission charter school as defined in paragraph (2) of Code Section 20-2-2081."

### SECTION 3.

Said chapter is further amended by adding a new Code section to read as follows:

"20-2-161.4.

(a) For purposes of this Code section, the term:

(1) 'Department' means the Department of Education.

(2) 'Dual enrollment course' means an arrangement whereby an eligible student takes one or more courses at or through an eligible institution while still enrolled as a public high school student and receives credit both at the high school and at the eligible institution.

(3) 'Eligible institution' or 'institution' means any eligible postsecondary institution as defined in paragraph (7) of Code Section 20-3-519.

(4) 'Eligible student' means a student entering ninth through twelfth grade.

(5) 'Secondary credit' means high school credit for dual enrollment courses taken at an eligible institution.

(b) Any eligible student may apply to an eligible institution to take one or more dual enrollment courses at or through that institution which are approved for secondary credit pursuant to subsection (d) of this Code section. If accepted at an eligible institution, such eligible student may take any such course at that institution, whether or not the course is taught during the regular public school day, and receive secondary credit therefor under the conditions provided in this Code section. An eligible institution which accepts an eligible student authorized to apply for enrollment under this Code section shall not receive any state funds for that student unless such institution complies with the requirements of this Code section regarding eligible institutions.

(c) The department shall develop appropriate forms and counseling guidelines for the dual enrollment courses and shall make such forms and guidelines available to local school systems and eligible institutions. No later than the first day of April each year, each local school system shall provide general information about dual enrollment courses, including such forms, to all its eighth through eleventh grade students. A local school system shall also provide counseling services in accordance with the counseling guidelines provided by the department to such students and their parents or guardians before the students enroll in a dual enrollment course. Prior to participating in a dual enrollment course, the student and the student's parent or guardian shall sign the form provided by the school system or by an eligible institution stating that they have received the counseling specified in this

subsection and that they understand the responsibilities that shall be assumed in participating in dual enrollment.

(d)(1) A local school system shall grant academic credit to an eligible student enrolled in a dual enrollment course in an eligible institution if that course has been approved by the State Board of Education and if such student successfully completes that course. The State Board of Education shall approve any such course which is substantially comparable to a state approved course. The secondary credit granted shall be for the comparable course and course hours approved by the State Board of Education. Upon completion of an eligible institution's approved course, the eligible student shall be responsible for requesting that the institution notify the student's local school system regarding his or her grade in that course.

(2) Secondary school credits granted for dual enrollment courses under paragraph (1) of this subsection shall be counted toward State Board of Education graduation requirements and subject area requirements of the local school system. Evidence of successful completion of each course and secondary credits granted shall be included in the eligible student's secondary school records.

The department shall consult the Board of Regents of the University System of Georgia and the State Board of Technical and Adult Education in developing rules and regulations to be recommended to the State Board of Education for approval regarding the eligibility criteria for dual enrollment courses.

(e) The State Board of Education shall establish rules and regulations relating to applicable state and federal testing requirements for eligible students participating in dual enrollment courses."

#### SECTION 4.

Said chapter is further amended by revising subsections (a) through (c) of Code Section 20-2-210, relating to annual performance evaluations for certificated professional personnel, as follows:

"20-2-210.

(a) All personnel employed by local units of administration, including school superintendents, shall have their performance evaluated annually by appropriately trained evaluators. All such performance evaluation records shall be part of the personnel evaluation file and shall be confidential. In the case of local school superintendents, such evaluations shall be performed by the local board of education. Certificated professional personnel who have deficiencies and other needs shall have professional development plans designed to mitigate such deficiencies and other needs as may have been identified during

the evaluation process. Progress relative to completing the annual professional development plan shall be assessed during the annual evaluation process.

(b)(1) The state board shall develop a model annual evaluation instrument for each classification of professional personnel certificated by the Professional Standards Commission. The local units of administration are authorized to use the models developed by the State Board of Education.

~~(b)~~(2) Annual teacher evaluations shall at a minimum take into consideration the following:

~~(1)~~(A) The role of the teacher in meeting the school's student achievement goals, including the academic gains of students assigned to the teacher;

~~(2)~~(B) Observations of the teacher by the principal and assistant principals during the delivery of instruction and at other times as appropriate;

~~(3)~~(C) Participation in professional development opportunities and the application of concepts learned to classroom and school activities;

~~(4)~~(D) Communication and interpersonal skills as they relate to interaction with students, parents, other teachers, administrators, and other school personnel;

~~(5)~~(E) Timeliness and attendance for assigned responsibilities;

~~(6)~~(F) Adherence to school and local school system procedures and rules; and

~~(7)~~(G) Personal conduct while in performance of school duties.

~~(c)~~(3) In making a determination of the academic gains of the students assigned to a teacher, evaluators should make every effort to have available and to utilize the results of a wide range of student achievement assessments, including those utilized by the teacher, set by the local board of education, or required under this article. It is recognized that in some instances a determination of the academic gains of the students assigned to a teacher is dependent upon student assessments which have not yet been administered at the time of the annual evaluation or, if they have been administered, the results are not yet available at the time of the annual evaluation. In such instances, the annual teacher evaluation shall be performed on the basis of information available at the time and shall be considered as the annual evaluation for the purposes of this article. As results of student assessments subsequently become available, an addendum to the annual evaluation shall be completed and become part of the teacher's cumulative evaluative record which may be used in a teacher's subsequent annual evaluations.

(4) This subsection shall apply to performance evaluations conducted for teachers, assistant principals, and principals by a local unit of administration prior to July 1, 2011.

(c)(1) No later than July 1, 2011, the State Board of Education, in consultation with the Office of Student Achievement, shall establish state-wide common evaluation instruments that take student achievement into consideration when assessing teachers,

assistant principals, and principals. The state board may take into consideration one or more of the factors enumerated in paragraph (2) of subsection (b) of this Code section and may consider any other factors such as peer review, student academic growth as defined by the State Board of Education, and parental input that it deems relevant, when establishing the evaluation instruments.

(2) This subsection shall apply to performance evaluations conducted for teachers, assistant principals, and principals by a local unit of administration on and after July 1, 2011."

## SECTION 5.

Said chapter is further amended in Code Section 20-2-2090, relating to funding for commission charter schools, by revising subsection (a) as follows:

"(a) The Department of Education shall pay to each commission charter school through appropriation of state and federal funds an amount equal to the sum of:

(1) QBE formula earnings, QBE grants, and federal grants earned by the commission charter school based on the school's enrollment, school profile, and student characteristics. QBE formula earnings shall include the salary portion of direct instructional costs, the adjustment for training and experience, the nonsalary portion of direct instructional costs, and earnings for psychologists and school social workers, school administration, facility maintenance and operation, media centers, additional days of instruction in accordance with Code Section 20-2-184.1, and staff development. For purposes of this paragraph, QBE formula earnings shall not include the additional amount provided for in Code Section 20-2-165.1 earned by a charter system for full-time equivalent students in its schools;

(2) A proportional share of state categorical grants, non-QBE state grants, state equalization grants, and all other state and federal grants; and

(3)(A) An amount determined by the commission for each student enrolled in such school equal to a proportional share of local revenue from the local school system in which the student attending the commission charter school resides; provided, however, that the commission may reduce the amount calculated pursuant to this paragraph based on factors that affect the cost of providing instruction.

~~(B) In making the funding determination required pursuant to this subsection, paragraph, the commission shall take into account the following factors:~~

~~(i) In in the case of a commission charter school that draws students from multiple school systems, the commission shall take into account the actual costs of operating such a commission charter school and any efficiencies gained by using an expanded attendance zone; and.~~

207 (ii) In the case of a commission charter school that plans to offer virtual instruction, the  
208 commission may reduce the amount calculated pursuant to this ~~paragraph~~ subsection based  
209 on ~~the factors specified in subparagraph (A) of this paragraph.~~ factors that affect the cost  
210 of providing instruction. Such reduction, if any, shall be applied to the appropriations  
211 made under paragraphs (1) and (3) of this subsection, and shall not exceed 35 percent of  
212 the total amount calculated pursuant to the subsection."

213 **SECTION 6.**

214 All laws and parts of laws in conflict with this Act are repealed.